

U.S. DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

Annual Report
to Congress
Fiscal Year 2005

U.S. Department of Education

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OCR Mission:

*Ensuring equal access to education and
promoting educational excellence
throughout the nation through
vigorous enforcement of civil rights.*

CONTENTS

FOREWORD	vii
OVERVIEW OF OCR COMPLIANCE AND ENFORCEMENT	
PROGRAM.....	1
Organizational Structure	3
Complaint Investigations and Resolutions	3
Compliance Reviews and Other Proactive Initiatives	5
Monitoring	6
Technical Assistance	8
STRATEGIC PRIORITIES	9
Putting Reading First	9
Moving English Language Learners to English Proficiency	10
Promoting Innovative Programs and Informed Parental Choice	11
Encouraging Safe Schools	12
Accountability.....	14
Title IX Initiatives.....	14
<i>Boy Scouts of America Equal Access Act</i> Rulemaking.....	15
OTHER EFFORTS TO ENFORCE THE CIVIL RIGHTS LAWS .	17
Equal Opportunity in Vocational Education.....	17
Higher Education Desegregation Agreements.....	17
Examples of OCR Case Resolutions	19
LOOKING AHEAD	23
APPENDIX A: OFFICES AND ADDRESSES.....	25
APPENDIX B: FY 2005 COMPLAINT RECEIPTS BY OCR	
ENFORCEMENT OFFICES.....	27
APPENDIX C: SAMPLE OF OCR TECHNICAL ASSISTANCE	
PUBLICATIONS AVAILABLE AT WWW.ED.GOV/OCR.....	29

FOREWORD

It is my pleasure to present our *Annual Report to Congress* for FY 2005, which marked the 25th anniversary of the establishment of the U.S. Department of Education (ED). In this report, the Office for Civil Rights (OCR) is providing a summary of its FY 2005 accomplishments. Also, in recognition of our 25th anniversary, we are highlighting some of the significant cases that OCR has resolved over the years.

The last quarter century was eventful and challenging for OCR. Major U.S. Supreme Court decisions, such as *Grove City*, *Fordice*, *Gratz*, and *Grutter*, guided OCR's civil rights enforcement responsibilities, while legislation, such as the *Civil Rights Restoration Act of 1988* and the *No Child Left Behind Act of 2001*, provided clarification of those responsibilities. During this time, OCR resolved tens of thousands of discrimination complaints and compliance reviews affecting millions of our nation's students through its vigorous enforcement of the civil rights laws, while also providing technical assistance to millions of teachers, administrators, parents, and students to encourage voluntary compliance.

The task of educating our children requires us to take the long view, looking to the future while learning from the past. And the past has a lot to teach us....

*Margaret Spellings,
Secretary of Education, 2005*

OCR operates today in a changed world. In comparison to the library facilities, primitive filing systems, word processing equipment, and telephones in use when ED was established in May 1980, OCR's staff now use state-of-the-art computer and telecommunications equipment and a Case and Activity Management System with integrated document management functions. In 1980, OCR was under federal court order to process its complaints in a timely fashion; in 2005, no longer under court order, OCR resolved almost 92 percent of its cases within 180 days. To help the public understand how OCR handles complaints and compliance reviews, the *Case Resolution and Investigation Manual*, updated in May 2005, clearly sets forth the procedures used by OCR to investigate and resolve cases of alleged discrimination. You can find the manual on OCR's informative Web site, www.ed.gov/ocr.

While OCR has successfully brought its enforcement efforts into the 21st century, many of the discrimination issues OCR has addressed over time still persist. For example, OCR continues to work with schools to ensure that scientifically based reading programs are used so minority students and students with limited English proficiency are not misidentified and misplaced in special education classes; that students with disabilities receive a free, appropriate public education, and schools and colleges and universities provide program accessibility; and that recipients of ED financial assistance comply with the procedural requirements under sex discrimination regulations.

We have included in this 25th-anniversary *Annual Report to Congress* a few quotations and case resolution stories from previous years to provide a flavor of the continuing nature of OCR's endeavors over the years, as well as information on OCR's substantive achievements in FY 2005 and the challenges facing us.

Respectfully submitted,

Stephanie Monroe
Assistant Secretary for Civil Rights

OVERVIEW OF OCR COMPLIANCE AND ENFORCEMENT PROGRAM

The Office for Civil Rights (OCR) in the U.S. Department of Education (ED) is responsible for enforcing five federal civil rights laws prohibiting discrimination on the bases of race, color, national origin, sex, disability, and age by recipients of federal financial assistance. These laws are:

- Title VI of the *Civil Rights Act of 1964* (prohibiting discrimination based on race, color or national origin);
- Title IX of the *Education Amendments of 1972* (prohibiting sex discrimination in education programs);
- Section 504 of the *Rehabilitation Act of 1973* (prohibiting disability discrimination);
- *The Age Discrimination Act of 1975* (prohibiting age discrimination); and
- Title II of the *Americans with Disabilities Act of 1990* (prohibiting disability discrimination by public entities, whether or not they receive federal financial assistance, such as elementary and secondary education systems and institutions, institutions of higher education and vocational education [other than schools of medicine, dentistry, nursing, and other health-related schools], and libraries).

In addition, OCR enforces the *Boy Scouts of America Equal Access Act*. This law addresses equal access for the Boy Scouts of America and other designated youth groups. The act applies to any public elementary school, public secondary school, or state or local education agency that has a designated open forum or limited public forum and that receives funds from the U.S. Department of Education.

These civil rights laws represent a national commitment to end discrimination in education programs. Because most educational institutions receive some type of federal financial assistance, these laws apply throughout the nation.

Coverage of these civil rights laws extends to:

- 17,468 public elementary and secondary education agencies;¹
- 4,216 colleges and universities;² and
- thousands of institutions conferring certificates below the associate degree level, such as training schools for truck drivers and cosmetologists, and other entities, such as libraries, museums, and vocational rehabilitation agencies.³

¹ U.S. Department of Education, National Center for Education Statistics (2005). *Digest of Education Statistics Tables and Figures 2004–05*, Washington, D.C.: Table 86.

² Ibid, Table 244.

³ Ibid, Table 355.

Consequently, these civil rights laws protect millions of students attending or seeking to attend our educational institutions. In certain situations, the laws also protect persons who are employed or seeking employment at educational institutions. Overall, these laws protect:

- more than 48.3 million students attending public elementary and secondary schools;⁴ and
- more than 17.3 million students attending postsecondary degree-granting institutions, such as colleges and universities.⁵

Enforcing these laws is critical to carrying out the mission of the U.S. Department of Education: ensuring equal access to education and promoting educational excellence throughout the nation.

In FY 2005, OCR's budget was \$89,375,000, with full-time equivalent (FTE) staff of 640. See Figure 1 on historical funding and FTE.

<p style="text-align: center;">Figure 1 U.S. Department of Education, Office for Civil Rights Appropriations, FTE and Workload Data FY 1995–FY 2005</p>							
FY	Presidential Request	Congressional Appropriation	FTE	Complaints		Compliance Reviews	
				<i>Filed</i>	<i>Resolved</i> [†]	<i>Initiated</i>	<i>Resolved</i> [†]
2005	\$92,801,000	\$89,375,000	640	5,533	5,365	73	66
2004	\$91,275,000	\$88,305,000	655	5,044	4,968	53	29
2003	\$89,710,000	\$85,715,000	672	5,141	5,246	74	14
2002	\$79,934,000	\$79,666,000	698	5,019	4,842	11	18
2001	\$76,000,000	\$75,822,000	696	4,571	4,777	21	43
2000	\$73,262,000	\$71,200,000	712	4,897	6,364	47	71
1999	\$68,000,000	\$66,000,000	727	6,628 ^{††}	5,369	76	93
1998	\$61,500,000	\$61,500,000	685	4,847	4,753	102	100
1997	\$60,000,000	\$54,900,000	681	5,296	4,981	152	140
1996	\$62,784,000	\$55,277,000	744	4,828	4,886	146	173
1995	\$61,457,000	\$58,236,000	788	4,981	5,559	96	178
[†] Includes cases carried over from previous years. ^{††} 1,614 filed by a single complainant.							

⁴U.S. Department of Education, National Center for Education Statistics (2005). *Projections of Education Statistics to 2014* (NCES-2005074), Washington, D.C.: Table 1, p. 45.

⁵Ibid, Table 10, p. 57.

Organizational Structure

OCR is composed of a headquarters office, located in Washington, D.C., which provides overall leadership, policy development, and coordination of enforcement activities, and 12 enforcement offices around the nation. The enforcement offices are responsible for investigating and resolving complaints of discrimination, conducting compliance reviews, monitoring corrective action agreements, and providing technical assistance. The majority of OCR's staff is assigned to the enforcement offices, which are located in Boston, New York, Philadelphia (Eastern Division); Washington, D.C., Atlanta, Dallas (Southern Division); Cleveland, Chicago, Kansas City (Midwestern Division); and Denver, San Francisco, Seattle (Western Division). Appendix A lists the enforcement offices and contact information.



Complaint Investigations and Resolutions

One of the most important ways OCR carries out its responsibilities is by investigating and resolving complaints. People who believe there has been a violation of the civil rights laws enforced by OCR may file a complaint with the appropriate enforcement office.

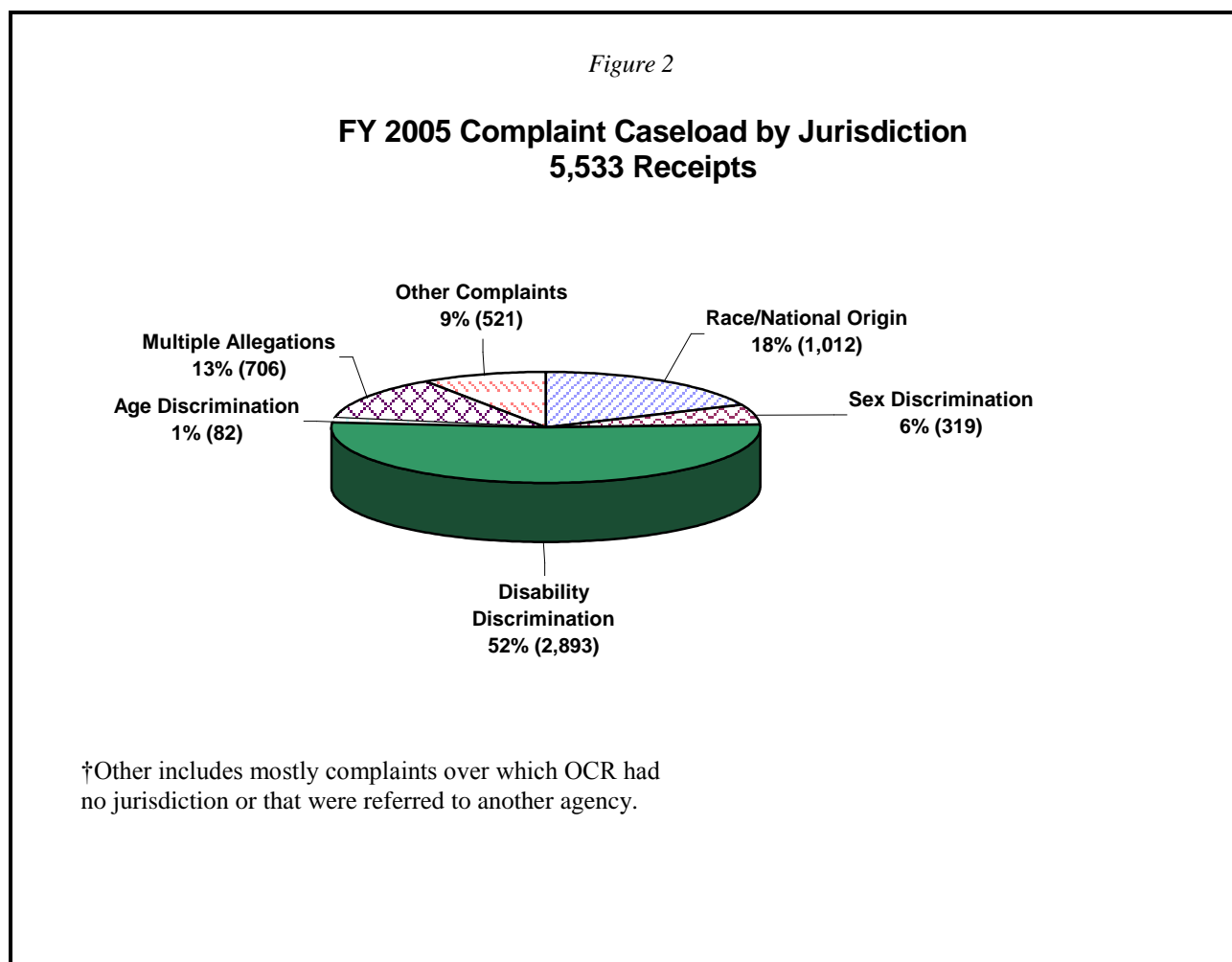
In resolving complaints, OCR's primary objectives are to investigate promptly the allegations of discrimination and to determine accurately whether any civil rights laws have been violated. In FY 2005, OCR received 5,533 complaints and resolved 5,365, some of which had been filed in previous years. Appendix B shows FY 2005 complaint receipts by OCR enforcement offices.

Timeliness is critical to students and parents in the resolution of civil rights issues and is a useful measure of the efficiency and effectiveness of our complaint resolution process. OCR's goal is to have 80 percent of resolved complaints resolved within 180 days of being filed. In FY 2005, OCR resolved almost 92 percent of its resolved complaints within 180 days.

During FY 2005, OCR continued using an investigative approach that stresses full investigation of complaints. If OCR's investigation finds areas of noncompliance with the civil rights laws, OCR enters into negotiations with recipients to correct the violations and reach a voluntary resolution agreement. It is only after OCR has advised recipients of their failure to comply with the civil rights laws and has determined compliance cannot be secured by voluntary means that, as a last resort, OCR seeks compliance through the administrative hearing process or refers cases to the U.S. Department of Justice for judicial enforcement.

As in most years, the majority of complaints OCR received in FY 2005 alleged discrimination on the basis of disability (52 percent).

Figure 2 shows the percentage of complaint receipts by jurisdiction.



Compliance Reviews and Other Proactive Initiatives

In addition to resolving complaints, OCR initiates compliance reviews and takes other proactive steps to focus on specific compliance problems that are particularly acute or national in scope or that may not have been raised by complaints. It has been OCR's experience that targeted compliance reviews and proactive initiatives increase the impact of OCR's resources, complement the complaint resolution process, and can benefit larger numbers of students than sole reliance on complaint resolutions, which may involve only one student per case.

The review your office conducted was quite helpful in ensuring that our district is in compliance and that we are consistent in disseminating information about Title IX to students, families, staff and administrators in our schools and in the broader community.

Comment from school official to OCR, 2005

OCR initiated 73 compliance reviews in FY 2005 and successfully resolved 66, some of which had been started in previous years. Compliance review sites are selected based on various sources of information, including information provided by parents, education groups, media, community organizations, members of the public and in certain circumstances, by statistical data to the extent it is supported by other sources of information.

In FY 2005, 39 of the 73 compliance reviews initiated by OCR focused on the responsibilities of elementary and secondary school districts and postsecondary institutions to ensure they meet Title IX procedural requirements, such as designating a Title IX coordinator, adopting and disseminating a nondiscrimination policy, and putting in place grievance procedures to address complaints of discrimination on the basis of sex.

OCR initiated 11 compliance reviews in FY 2005 focused on eliminating barriers for postsecondary students who have physical disabilities, including such issues as accessibility of residence halls, classrooms, academic buildings, and parking facilities. Continuing a nationwide initiative under Title VI, Section 504 and Title II to address the misidentification of minority students in special education, OCR initiated 10 compliance reviews in FY 2005 examining whether minority students were being denied important educational benefits because of inappropriate inclusion in or exclusion from special education.

Special education programs also are essential to ensure that students with disabilities, including those who also have limited English proficiency (LEP), receive an appropriate education. In FY 2005, OCR conducted seven compliance reviews in school districts around the country to determine whether LEP students were being inappropriately included in or excluded from special education because of their limited English proficiency and to ensure that such students are provided the services they need so they can participate meaningfully in the districts' educational programs.

Some of the 66 compliance reviews OCR resolved in FY 2005 included: 24 involving Title IX procedural requirements; 19 involving special education misidentification of minority students; and 12 involving physical accessibility of postsecondary education facilities.

Figure 3 shows the number of reviews initiated and resolved by compliance issue.

<p><i>Figure 3</i></p> <p>OCR Compliance Reviews by Issue</p> <p>FY 2005</p>		
Compliance Issue	Initiated	Resolved*
Accessibility	11	12
High Stakes Testing		1
Limited English Proficient Students and Special Education/ Services for Students with Limited English Proficiency	7	5
Magnet Schools Assistance Program	5	4
Minorities and Special Education	10	19
Procedural Requirements (Title IX)	39	24
Sexual Harassment		1
Student Benefit/Treatment	1	
Total	73	66
†Includes compliance reviews carried over from previous years		

Monitoring

To ensure accountability and effectiveness in enforcing the civil rights laws, OCR monitors complaint and compliance review resolution agreements to ensure the commitments made by school districts, colleges, universities, and other appropriate entities, in those agreements are carried out. During FY 2005, OCR monitored 1,838 resolution agreements. Following are some examples of cases monitored in FY 2005 demonstrating OCR's impact on both individual students and groups of students.

- Pursuant to a resolution agreement with OCR, a school district is now providing girls with locker room facilities equivalent to boys and ensuring equivalent practice facilities, coaching and practice time, competition uniforms, and trainer availability to both male and female athletes during practices and scheduled games.

... [T]he diligence and professionalism of [the OCR investigator's] efforts to resolve this matter...were exemplary and will provide this child with greater opportunity for success.

Letter from an assistant superintendent to OCR, 2005

- Students with disabilities, who were enrolled at a college and who were clients of the state's vocational rehabilitation (VR) agency, had not received requested academic adjustments and, as a result, were not able to participate effectively in the college's academic programs. Consistent with the OCR resolution agreement, the college worked with the state VR agency to develop a process for 1) sharing responsibility for ensuring academic adjustments are provided to students with disabilities; 2) submitting required documentation of services in a timely manner; and 3) designating a campus liaison to coordinate services for VR students with disabilities.
 - In response to an OCR complaint resolution agreement, a school district issued letters of apology to the parents of Latino students who were discriminated against in school disciplinary actions, provided nondiscrimination training to its staff, reviewed policies and procedures to ensure nondiscriminatory treatment in future student discipline incidents, and sent a notice to all parents in the district on how to bring discrimination concerns to the attention of district authorities and how to use the district's complaint procedures.
 - A school district discriminated against students with disabilities by organizing its bus transportation schedule in a way that resulted in shortened school days for students with disabilities. OCR ensured the school district changed its bus schedule to allow for a full school day for these students, who also were provided compensatory educational services for instructional time missed due to the previous early dismissals.
- Although we would never say we are happy to be the subject of a complaint, we genuinely appreciate the pleasant and professional demeanor with which you and your colleagues conducted your site visit. We also appreciate your willingness to talk about ways [we] might be able to address some other accommodation challenges that our institution is facing. Thank you.**

Comment by a university official to OCR, 2005
- A large urban school district agreed to make magnet school programs at 19 elementary schools and two high schools accessible to students with mobility impairments. OCR determined the district made substantial renovations at the 21 schools by installing ramps, elevators, visual alarms, computerized card catalogs and signage, and by making boys' and girls' restrooms accessible.
 - A community college discriminated against a student who uses a wheelchair by applying eligibility criteria for attending an annual student government conference different from the criteria applied to students without disabilities. OCR monitored an agreement in which the college agreed to provide reasonable accommodations for the student, who attended the conference.

Technical Assistance

Technical assistance to educational institutions helps them comply with federal civil rights requirements, while assistance to parents, students, and others informs them of their rights under the law. OCR provides information and other

support services through a variety of

methods, including on-site consultations, conferences, training, community meetings, and publication and dissemination of materials to many interested parties, including students, parents, teachers, administrators, schools, colleges, universities, and community groups.

Appendix C lists a sample of the technical assistance publications available on OCR's Web site (www.ed.gov/ocr).

We are grateful to [OCR] for assisting us in this complex matter, which had proved intractable for two years.... [T]he students and I cannot thank you enough for all your work, which has opened the door for them to a more equal educational opportunity....

Comment from an OCR complainant, 2005

STRATEGIC PRIORITIES

OCR has aligned its resources with the goals and objectives in President Bush's *No Child Left Behind Act* related to OCR's mission. This section focuses on OCR activities in support of *NCLB* and other high priority activities.

Putting Reading First

Research shows reading difficulties and behavioral problems are among the most common reasons for referring students for special education evaluation and, ultimately, for their placement in special education programs. OCR's experience, including its previous investigations, has shown minority students and students with limited English proficiency, in particular, may be misidentified and placed in certain special education categories.

Students inappropriately placed in special education programs may not receive the same curriculum content as other students and may face barriers in their later efforts to obtain a regular high school diploma, pursue postsecondary education, or prepare for employment. Similarly, students who need special education services, but who are not identified, evaluated, and provided such services, also face significant barriers to future success.

Research also shows classroom interventions addressing reading problems can reduce the number of children who are inappropriately referred for evaluation and placed in special education programs. In working with school districts, OCR emphasizes the importance of implementing high-quality research-based reading programs, both in order to reduce the number of students who are inappropriately referred for special education evaluation and placed in special education programs and to ensure students who need, but are not receiving, special education are provided the services they require.

Education is a civil right. To deny that right is to cancel all other rights. An educated child is a child who can grow up to be a full participant in society, voting, finding meaningful work, getting involved in the community, and working to achieve his or her own American dream....

***Rod Paige,
Former Secretary of Education, 2002***

For many years now, OCR has been conducting compliance reviews in school districts around the country on the issue of misidentification of all students, particularly minority students, in the provision of special education services. The initiative also focuses on ensuring national origin minority students are not identified, referred for evaluation, and placed in special education programs based on their limited English proficiency.

For example, in a FY 2005 compliance review of a school district, OCR determined the district discriminated against national-origin minority students with limited English proficiency (LEP) and American Indian students by inappropriately placing them in special education programs because of their English language skills. The district agreed to meet effectively the educational needs of its LEP and American Indian students and to ensure LEP and American Indian students are appropriately identified and appropriately placed in special education programs.

Also in FY 2005, OCR successfully resolved a compliance review of a school district with an agreement ensuring several hundred students identified as cognitively disabled and learning disabled are evaluated appropriately and provided education programs and services appropriate to their needs. The district agreed to: correct problems in its assessments and consideration of adaptive behavior for students who may be eligible for special education services; ensure consistent consideration of evaluation data; and review the eligibility and placement of those students who have been affected by shortcomings in these areas. Students who no longer receive special education or whose placement is changed as a result of the revaluations will receive remedial or other appropriate transitional services, as needed.

Moving English Language Learners to English Proficiency

In FY 2005, OCR continued to work with states and school districts to ensure that LEP students receive appropriate language services, language acquisition programs are research-based, and LEP students meet performance standards.

It is refreshing to have someone listen and really care about what is being said.... My greatest respect goes out to you and the organization you work for.

*Note from an OCR
complainant, 2005*

For example, a state education agency agreed to revise its guidance to local school districts on their responsibilities to LEP students and their parents and on identifying and assessing students who may require alternative language services. The state will provide annual training to school district staff regarding Title VI obligations to LEP students and will establish a statewide training program for school district professionals who have not yet satisfied all of the state's certification standards related to the instruction of LEP students.

In a compliance review, OCR determined a school district was not conducting periodic evaluations of its English language learners program sufficient in content or scope to identify needed program modifications. The district signed an agreement with OCR to evaluate the program in areas such as identification and assessment, instructional services and delivery, program participation, staffing, instructional materials and resources, exit criteria, and segregation. In conducting its program evaluation, the district also will consider whether its program is effectively developing LEP students' English language proficiency in speaking, reading, writing, and comprehension and whether students are showing academic progress in other subject areas.

In fulfilling its compliance agreement with OCR, a school district hired a consultant from the parent organization of Project Talk, a U.S. Department of Education academic excellence program, to assist in refining identification and assessment processes for LEP students, designing appropriate alternative language program services, providing staff development opportunities, and encouraging parent involvement. Among the changes to the district's program resulting from the consultant's assistance was the creation of a two-way Spanish-English immersion instructional program for students in kindergarten through fifth grade, which benefits both LEP students and their native English-speaking peers.

Promoting Innovative Programs and Informed Parental Choice

Magnet Schools Assistance Program

The Magnet Schools Assistance program (MSAP), administered by the Department's Office of Innovation and Improvement, provides financial assistance to school districts seeking to improve educational programs and to reduce, prevent, or eliminate minority group isolation. The program provides three-year grants for the enhancement or establishment of magnet schools. The assistant secretary for civil rights is required to certify that grant applicant school districts will meet

nondiscrimination assurances specified in the MSAP statute. OCR also assesses whether grant applicants' MSAP plans are consistent with Title VI of the *Civil Rights Act of 1964*.

Americans can proudly say that we have overcome the institutionalized bigotry that Dr. King fought. Now our challenge is to make sure that every child has a fair chance to succeed in life. That is why education is the great civil rights issue of our time.

*Remarks by
President George W. Bush, 2002*

During FY 2005, OCR provided technical assistance and certified new three-year awards for two school districts. OCR also reviewed and certified the annual reports of 50 districts already receiving MSAP assistance. In addition, OCR provided technical assistance to several MSAP recipients in complying with civil rights statutes, as well as program goals.

Information for Parents and Recipients

Providing timely, accessible information for parents, students, teachers, and education decision-makers is another important priority. OCR uses technology to improve customers' access to OCR information through its Web site (www.ed.gov/ocr).

OCR's former biennial Elementary and Secondary Schools Survey has now been merged with the Department's Educational Data Exchange Network (EDEN), a central repository of information on K-12 programs, including *No Child Left Behind Act* data. Civil rights data for 2004 was collected through the Supplemental Survey Tool Civil Rights Data Collection. The 2004 Data Collection is the first use of the Supplemental Survey Tool, which will assist EDEN in developing a data system with the capability to collect district- and school-level data from school districts and integrate civil rights and other data with the EDEN database, including essential *No Child Left Behind Act* data.

The Civil Rights Data Collection is primarily Web-based. For the 2004 Civil Rights Data Collection, the initial year of the Web-based data collection, approximately two-thirds of the districts reporting (4,000 out of 6,000) were successful in using the new Web-based tool to report their data (the other districts opted to use more traditional media, such as CD-ROMs or paper forms, to report their 2004 data.) The overall response rate to the 2004 Data Collection, 95 percent of all surveyed districts and 100 percent of large and intermediate districts, is consistent with the response rate for previous OCR surveys. The information obtained from this

Data Collection will help school administrators and researchers evaluate schools and aid parents in making informed choices.

Postsecondary Accessibility Reviews

OCR has initiated a number of accessibility reviews focused on eliminating barriers for postsecondary students who have physical disabilities. For example, OCR reviewed a college's on-campus student housing and science laboratory programs and identified numerous accessibility concerns in both areas. In response to OCR's findings, the college has successfully modified four apartments to make them accessible and created accessible parking spaces and an accessible route to the building. Further building modifications will be initiated to make the science laboratory facilities accessible.

OCR conducted a compliance review of a college to determine whether its programs and activities were readily accessible to and usable by persons with mobility impairments. Based on OCR's findings, the college agreed to make structural and parking modifications at two of its campus centers, implement comprehensive procedures to ensure that individuals with mobility impairments have physical access to the college's programs and activities, and train college staff on these procedures.

Encouraging Safe Schools

OCR also supports those provisions of the *No Child Left Behind Act* focusing on safe schools. Harassment in schools can deny students the right to an education free of discrimination, threaten students' physical or emotional well-being, influence how well they do in school, and make it difficult for students to achieve their career goals. Preventing and remedying harassment in schools is essential to ensuring a safe environment in which students can learn.

Racial Harassment

OCR investigated a complaint alleging racial harassment by an assistant football coach in a school district. OCR found a racially hostile environment had developed when a student on the football team was called a racially derogatory term by the assistant coach, in the presence of another student, and when another member of the coaching staff, in front of other students, used racially derogatory terms in reference to a student's parent. In response to OCR's findings, the district agreed to: develop and provide training for members of the athletic department regarding racial harassment and what to do about it; publish a notice to the

The "American Dream" isn't guaranteed. We've got to go out and earn it. After putting our best foot forward, victory should not be snatched away by incidents of discrimination...what lies at the core of civil rights enforcement is the notion that personal responsibility plus opportunity yields success. That prosperity can come to those who've put their best foot forward. That it's the business of enforcement officials to ferret out discrimination so that [these] obstacles don't impede their progress....

***Michael L. Williams,
Former Assistant Secretary for Civil Rights,
1991***

school community regarding racial discrimination and harassment and a description of the school's complaint process; send a notice to all students and parents of students on the football team expressing regret about the incident, confirming the district's commitment to preventing harassment, outlining the steps taken in response, and inviting students or parents to report similar incidents to school administrators or counselors; and send letters of regret to the two students most affected by the harassment.

Racial and Disability Harassment

OCR received a complaint alleging a special education student enrolled in a school district had been subjected to harassment based on race and disability. OCR's investigation found the student and other minority students with disabilities were subjected to derogatory name-calling by other students. As part of its corrective action agreement, which will be monitored by OCR, the district provided information about harassment to district students and conducted training for regular and special education teachers, administrators, and other staff at the school addressing appropriate responses to racial and disability harassment, as well as notice and reporting requirements.

Sexual Harassment

OCR received a complaint from a parent who alleged a school district failed to respond to allegations that her son was retaliated against and harassed at school and during school-sponsored activities for participating as a witness in a sexual harassment complaint filed with the district. The school district agreed to revise its procedures to prohibit retaliation for participating in a sexual harassment investigation, resolve promptly and equitably allegations of sexual harassment brought to its attention, and notify staff, students, and parents of these procedures.

In another case, a complainant alleged a college failed to take appropriate action after she complained a fellow student was sexually harassing her. She further alleged the college retaliated against her by denying her financial aid because she filed a sexual harassment complaint at the college and refused to sign an agreement. OCR negotiated an early complaint resolution in which the college agreed to provide financial aid, guidance, and tutoring to the complainant. The college also accepted OCR's offer to train staff on Title IX and how to address sexual harassment.

Sexual Harassment in Special Education Classes

OCR received a complaint from an individual who alleged her daughter was subjected to sexual harassment in her special education classes. In response to OCR's investigation, the school district revised its policies and procedures to address sexual harassment complaints, provided training to staff at each of the district's schools and reviewed its policies and procedures regarding discrimination on the basis of sex and disability, sexual harassment, and the role of staff in these procedures. The district also publicized these policies and the grievance procedures to parents in a newspaper advertisement, a letter to parents, and a special edition of the district's newsletter.

Accountability

Case and Activity Management System

OCR's Case and Activity Management System (CAMS) builds on the existing Case Management pilot that concluded at the end of FY 2004. CAMS includes case management capabilities for maintaining, managing, and tracking OCR's complaint, compliance review, and proactive activities, such as significant technical assistance. In addition, a new Activities Management module was being developed in FY 2005, which will allow for automated tracking of other OCR activities carried out by the Program Legal Group in OCR headquarters, including such items as legal and policy guidance, case support, data collection and analysis, information dissemination, and program coordination with other ED components and federal agencies.

CAMS also includes an integrated document management function, which will enable collaboration and electronic storage of service deliverables, ranging from those used by OCR field offices, such as case record association, case-work tools, and electronic storage of case related documents, to those documents pertinent to non-case related activities, such as legal documents, research, reports, regulations, legislation, briefing materials, religious exemptions, Memoranda of Understanding, and Assurances of Compliance. In addition, the document management function will house an updated central repository for documents on OCR policy and compliance standards, case-work tools, technical assistance tools, and training materials to be used by all OCR components.

Title IX Initiatives

Athletics

In OCR's 1979 Intercollegiate Athletics Policy Interpretation, the Department established a three-part test that OCR applies in determining whether an institution is effectively accommodating student athletic interests and abilities. An institution is in compliance with the three-part test if it has met any one of the following three parts of the test: 1) the percent of male and female athletes is substantially proportionate to the percent of male and female students enrolled at the school; 2) the school has a history and continuing practice of expanding participation opportunities which is demonstrably responsive to the developing interest and abilities of members of the underrepresented sex; or 3) the school's present program is fully and effectively accommodating the interests and abilities of the underrepresented sex.

...[O]ur nation must work to ensure that all American children have an equal chance to succeed and reach their full potential.

*Remarks by
President George W. Bush, 2003*

On March 17, 2005, OCR issued "Additional Clarification of Intercollegiate Athletics Policy: Three-Part Test—Part Three." Accompanying the Additional Clarification was a "User's Guide to Student Interest Surveys under Title IX" and a related technical report. The Additional

Clarification and User's Guide provide further guidance on recipients' obligations under the three-part test and are designed to help recipients understand the flexibility afforded under the test. The Additional Clarification outlines specific factors that guide OCR's analysis of the third option for compliance with the three-part test. The User's Guide contains a sample survey instrument to measure student interest in participating in intercollegiate varsity athletics.

Single-Sex Education

In March 2004, ED published a "Notice of Proposed Rulemaking" in the *Federal Register* requesting public comment on proposed amendments to the Title IX regulations that would provide additional flexibility for school districts in providing single-sex classes and schools. OCR received approximately 5,860 comments on the proposed amendments. During FY 2005, OCR continued the process of analyzing the comments and drafting final regulatory amendments.

Procedural Safeguards

In April 2004, OCR issued a "Dear Colleague" letter reminding all school districts to designate a Title IX coordinator, adopt and disseminate a nondiscrimination policy, and put grievance procedures in place to address complaints of discrimination on the basis of sex, as required by the regulations implementing Title IX. A similar Dear Colleague letter was sent to postsecondary education institutions in August 2004. Following up, in FY 2005, OCR initiated 39 and resolved 24 compliance reviews on institutions' compliance with Title IX procedural requirements.

For example, OCR conducted compliance reviews at four school districts of varying sizes to determine their compliance with Title IX procedural requirements and found noncompliance in all four districts. In voluntary resolution agreements, each of the districts agreed to provide notice of a Title IX coordinator, adopt and disseminate an effective Title IX nondiscrimination notice, and adopt and publish grievance procedures for the prompt and equitable resolution of complaints alleging discrimination on the basis of sex.

Boy Scouts of America Equal Access Act Rulemaking

The *Boy Scouts of America Equal Access Act*, part of the *No Child Left Behind Act*, addresses equal access for the Boy Scouts of America and other designated youth groups listed in Title 36 of the *U.S. Code*. The act applies to any public elementary school, public secondary school, or state or local education agency that has a designated open forum or limited public forum and that receives funds from the U.S. Department of Education. On Oct. 19, 2004, ED published a "Notice of Proposed Rulemaking" in the *Federal Register*, inviting public comment on proposed regulations. Among other things, the proposed regulations required that OCR collect assurances of compliance with the law from applicants for funds made available through ED that are covered by the *Boy Scouts Act*.

More than 3,000 parties submitted comments on the proposed regulations. During FY 2005, OCR analyzed the comments and began the process of drafting final regulations. OCR also worked with other offices within ED and with the Office of Management and Budget (OMB) to develop a revised assurance of compliance form. On Feb. 14, 2006, OMB approved OCR's revised assurance of compliance form, the Assurance of Compliance—Civil Rights Certificate, which now lists the *Boy Scouts Act* as well as other laws enforced by OCR.

On March 24, 2006, ED published the final regulations in the *Federal Register*. The regulations will be codified at 34 C.F.R. Part 108. In July 2006, ED mailed out a “Dear Colleague” letter from Assistant Secretary for Civil Rights Stephanie Monroe to more than 17,000 state and local education agencies. The letter provided background information on the *Boy Scouts Act* and the need for assurances of compliance, enclosed a blank OCR Assurance of Compliance—Civil Rights Certificate form, and contained instructions on how to complete the form and return it to OCR. OCR began collecting signed Assurance of Compliance—Civil Rights Certificate forms shortly after the issuance of the assistant secretary's letter.

OTHER EFFORTS TO ENFORCE THE CIVIL RIGHTS LAWS

OCR also pursues compliance by federal fund recipients by: promulgating regulations, as noted in earlier sections; developing policy guidance interpreting the laws and regulations; and broadly disseminating this information to educational institutions, parents, students, and members of the public. Effective civil rights enforcement in education requires that educational institutions understand the legal and regulatory requirements and that students, parents, educators, and other members of the public understand their rights. To meet these goals, OCR makes its guidance widely available through different media, including through the Internet, and updates and augments that guidance periodically to ensure OCR guidance reflects current developments in civil rights law and educational practice.

Equal Opportunity in Vocational Education

Under OCR's "Vocational Education Programs Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex and Handicap," state vocational education agencies are responsible for conducting civil rights reviews and other compliance activities with their subrecipient schools and programs and reporting biennially to OCR about these activities. In FY 2005, OCR responded to more than 30 of these state agency reports. OCR provided suggestions for enhancing the effectiveness of agencies' compliance and enforcement activities and for improving student access to vocational education programs to ensure that no discrimination occurs on the basis of race, color, national origin, sex, and disability. During the period covered by these reports, state agencies conducted more than 300 compliance reviews, 80 percent of which resulted in corrective action and improved opportunities for students.

Throughout the year, OCR provided technical assistance in response to questions from state agencies concerning their compliance determinations and remedies resulting from these reviews. In addition, OCR provided an annual four-day training conference to state agency coordinators of vocational education civil rights compliance activities. The training conference (offered at two locations on different dates) was designed to provide in-depth training on selected civil rights issues, as well as the procedures and techniques state agencies should use in conducting their civil rights compliance program and reporting to OCR.

Higher Education Desegregation Agreements

In the 1994 U.S. Supreme Court case *United States v. Fordice*, the Court set forth standards for determining whether states that previously operated racially segregated higher education systems had met their affirmative duty to dismantle those systems and their vestiges under the 14th Amendment to the U.S. Constitution and Title VI. After the decision, OCR negotiated and

entered into agreements to eliminate such vestiges in Florida, Texas, Kentucky, Ohio, Pennsylvania, Maryland, and Virginia.

During FY 2005, OCR continued to monitor implementation of its higher education agreements with these seven states, which continued to make progress in enhancing the programs and facilities of their historically black institutions and in carrying out the other commitments in their agreements. Central State University in Ohio began construction of a new multidisciplinary academic building to house its academic and science programs. Virginia State University and Norfolk State University each added six academic programs and completed several enhancements of major facilities. In Texas, Prairie View A&M University completed all but one of its facilities rehabilitation projects, awarded 16 merit-based scholarships for the fall 2005 semester, and established endowed chairs in the colleges of nursing and education. Texas Southern University reported the successful implementation of a B.S. degree program in computer science technology and an M.S. degree in computer science, filled an endowed chair in its School of Science, and fully endowed two chairs in its School of Business.

Monitoring reports from the Maryland state government indicate it has made progress with respect to the provisions of its higher education desegregation agreement. OCR engaged the services of consultants to provide expert opinions concerning areas such as the avoidance of unnecessary program duplication and enhancement of programs and facilities at Historically Black Colleges and Universities (HBCUs). OCR and the Maryland Higher Education Commission continue to communicate on the state's progress in carrying out the terms of the agreement.

Kentucky has completed many of its commitments under its higher education desegregation agreement and worked with OCR to ensure that a new dormitory building will be constructed at Kentucky State University. With respect to Florida, OCR is currently concluding its review and evaluation of the state's reports.

Pennsylvania submitted its final report on the implementation of its agreement with OCR following the close of the 2004–05 academic year. After several on-site visits to public institutions of higher education, OCR is in the process of analyzing the report.

In the United States, we make schools a national priority. We educate boys and girls, Muslims, Christians, Jews, and people of all different faiths, children of different races and cultures—all children, whether their families are wealthy or poor.

Remarks by

Mrs. Laura Bush, 2005

Examples of OCR Case Resolutions

Across the country, OCR's enforcement program is having a profound influence on the lives of students at all education levels. Following are some examples of our successes in FY 2005 as well as in prior years.

Disability Cases

Denial of Services

An educational services commission operating after-school programs in more than 60 school districts in a state excluded students with certain types of disabilities from its after-school programs. In response to concerns raised by OCR, the commission revised its procedures to ensure children who require a specialized medical, physical, or behavioral childcare program are afforded access to the program. In addition, the commission expanded its training of caregivers to enable them to provide additional emergency medical care to ensure a safe environment for these students.

Provision of Appropriate Special Education Services

A complaint filed on behalf of all students served by the special education department of a large urban school district alleged systemic denial of appropriate educational services. With assistance from OCR, the district developed a comprehensive special education program with detailed action steps identifying responsible staff, evidence of completion, and timelines. The district is developing a process for reviewing each student's educational program to ensure individual needs are addressed.

Accessibility

A complaint alleged a large university was discriminating against mobility-impaired persons on the basis of disability with respect to the provision of on-campus accessible parking. Based on OCR's findings, the university agreed to create approximately 190 new accessible on-campus parking spaces, which will afford faculty, administrators, students, and others with disabilities the opportunity to attend on-campus classes, programs, theater productions, athletic events, and other school functions.

A large urban school district agreed to eliminate a backlog of students awaiting evaluations, reevaluations, and placements. The agreement also included other requirements, such as implementation of a computerized placement system and hiring of additional professional staff to enable the district to provide timely evaluations and placements. Thousands of school children with disabilities were affected by this agreement.

OCR case, 1989

A junior high school student with disabilities filed a complaint with OCR saying that his photograph, as well as those of other students with disabilities, was segregated in the school's yearbook. Pictures of students with disabilities were placed in a different location from the pictures of other students. After contact by OCR, the school district agreed to integrate pictures of students with disabilities along with other student photos.

OCR case, 1999

A complainant alleged her son, who uses a wheelchair, was carried on and off buses instead of being provided a bus with a lift or a ramp when he participated in a school-sponsored athletic event with the Special Olympics. After both parties expressed interest in resolving the complaint through OCR's Early Complaint Resolution process, the school district agreed to ensure all future Special Olympic athletes will be transported in accessible buses.

Provision of Non-Academic Services

OCR successfully resolved a complaint alleging students without disabilities were allowed to take the road test for obtaining a state driver's license from their driver education teachers, while students with disabilities were required to take the road test through the state department of public safety. The state agreed to change its policy so students with physical disabilities have the opportunity to take the road test at their home schools, with necessary accommodations, in the same manner as students without disabilities.

Title IX Cases

Athletics

OCR investigated a complaint alleging a school district was not providing female students equal opportunities in its athletics program. OCR found disparities in the provision of locker rooms, practice and competitive facilities, equipment and supplies, and publicity opportunities and also determined that a district employee engaged in retaliation and intimidation of parents who had raised concerns regarding the district's compliance with civil rights laws. The district signed a comprehensive resolution agreement negotiated by OCR resolving all of the compliance issues and providing for continued OCR monitoring.

A complaint against a school district alleged the high school weight-lifting coach treated girls in his weight-lifting class differently than boys by requiring the girls to run an extra lap and to do their exercises in the front of the classroom. After OCR facilitated an agreement between the parties through early complaint resolution, the school district agreed girls will not be required to run an extra lap without reason, a

An OCR compliance review of a school district determined many students with limited English proficiency were placed in special education programs segregated from other school programs. Several schools that enrolled large numbers of LEP students were overcrowded, and inferior to other schools. One school with a 96 percent Hispanic enrollment had no library, limited recreation areas, overcrowded classrooms and was rodent-infested. The district agreed to implement a comprehensive alternative language program for LEP students, revise its special education referral, evaluation, and placement processes, and ensure that school facilities and resources would no longer be influenced by the racial or ethnic composition of a school's student enrollment.

OCR case, 1995

OCR received a complaint alleging that a community college restricted a noncredit automotive course to female students. The course was identified in the college's catalog as a "great mother/daughter activity." OCR's investigation showed that all the other automotive technology classes enrolled only males. The college agreed to change the title and course description of the basic car care course and to ensure other brochures, course descriptions, and counseling and appraisal materials were sex neutral.

OCR case, 1991

conscious effort will be made to line up groups of students without causing embarrassment, and sexual harassment training will be provided to staff.

Procedural Safeguards

A complainant alleged a seminary failed to designate an employee to coordinate its efforts to comply with Title IX. OCR determined the seminary had a designated Title IX coordinator, but had failed to notify all of its students and employees of the coordinator's office address and telephone number, in accordance with the requirements of the Title IX regulations. The seminary's resolution agreement with OCR corrected the violation.

Title VI Cases

Segregated Homecoming Activities

A complaint alleged a high school was implementing procedures for electing homecoming queens (one black and one white) and homecoming representatives on the basis of race. During an investigation, OCR confirmed the district's written policies required the high school student population to elect separate homecoming queens and members of the homecoming court on the basis of race. Pursuant to a voluntary compliance agreement, the district developed and implemented nondiscriminatory policies and procedures for the selection of homecoming queens districtwide. OCR verified the revised policy contained objective selection criteria unrelated to the race of the student and was disseminated to all students and staff.

Discrimination by Instructor

A graduate student in education filed a complaint against a university alleging discrimination on the basis of race (Asian) and national origin (Thai). She alleged the instructor of her statistics course treated her differently from other students in the class and made offensive comments concerning her English language proficiency. Using OCR's Early Complaint Resolution process, the complainant and the university entered into an agreement in which the university will permit the complainant to re-take the statistics course at no cost to her with a different instructor. In addition, the university developed a policy prohibiting discrimination on the basis of race and national

This OCR complaint alleged that during the 2001–02 school year, a district failed to take appropriate action in response to complaints that a male teacher sexually harassed the complainant's daughter and other female students, which included: touching the girls in a sexual manner; making offensive and sexually derogatory comments and jokes; and displaying sexually explicit photos. OCR investigated and determined that the district took only limited measures in response to the reported harassment and that, while the harassment was eventually stopped by the resignation of the teacher, the district neither initiated steps to address the alleged harassment nor took measures to remedy any effects on students and prevent recurrence of the behavior.

OCR obtained a voluntary agreement from the district requiring that the district: 1) offer the parents of the students an opportunity to have their students evaluated to determine if they were negatively affected by the harassment and provide counseling as necessary; 2) provide in-service training and general assemblies about the prohibition against sexual harassment; 3) disseminate the district's Title IX sexual harassment policy and grievance procedures; and 4) document the investigation of all such complaints and maintenance of reports.

OCR case, 2002

origin, designated a university employee to investigate reports of such discrimination, and established remedies to address cases in which discrimination is documented.

Disciplinary Actions

The parent of an African-American student filed a complaint with OCR alleging the student was suspended for two days for fighting, while a white student who engaged in the same behavior was not disciplined. After OCR's initial contact with the school district to discuss the complaint, the district and complainant agreed the two-day suspension would be expunged from the African-American student's records and the complainant's son would participate in anger management counseling or training.

LOOKING AHEAD

The mission of the Office for Civil Rights is “ensuring equal access to education and promoting educational excellence throughout the nation through vigorous enforcement of civil rights.” This responsibility is not one to be taken lightly. OCR is committed to ensuring that all students, regardless of race, color, national origin, sex, disability or age, receive access to education.

As a part of this commitment, OCR must fairly and vigorously enforce civil rights laws to seek compliance by education institutions nationwide. While its primary function is to investigate and resolve allegations of discrimination, OCR remains committed to helping institutions understand their responsibilities under the laws it enforces. Thus, OCR will continue to provide technical assistance to help schools develop a better understanding of their legal obligations, as well as to help parents, students, and educators know their rights. OCR also will continue to initiate compliance reviews to evaluate whether programs, procedures, and facilities are in compliance with federal law.

In addition to these core enforcement activities, OCR also is dedicated to implementing the objectives of the *No Child Left Behind Act*, as well as the President’s American Competitiveness Initiative (ACI), which focuses on increasing American performance in math and science. The ACI also focuses on increasing the number of Advanced Placement classes available to low-income and minority high school students. OCR will advance the principles of the ACI by ensuring discrimination does not contribute to the under-performance of, or lack of participation by, students in math and science.

Assistant Secretary for Civil Rights Stephanie Monroe, who is finishing her first six months as assistant secretary, has completed comprehensive reviews of OCR’s operations, procedures, and resources. She has visited the 12 regional offices to meet with staff to analyze the issues facing employees active in the field and will continue to work with all staff to ensure that OCR is functioning at maximum capacity and producing work of the highest quality.

President and Mrs. Bush believe that with a great teacher, every student can succeed—no matter what ZIP Code they live in, what language they speak, or what special needs they may have....

*Margaret Spellings,
Secretary of Education, 2005*

Assistant Secretary Monroe and the OCR staff look forward to addressing the challenges that lie ahead.

APPENDIX A: OFFICES AND ADDRESSES

U.S. Department of Education Office for Civil Rights

400 Maryland Avenue, SW, Washington, DC 20202-1100

Customer Service #: (800) 421-3481 ■ TDD #: (877) 521-2172 ■ <http://www.ed.gov/ocr>

EASTERN DIVISION

CONNECTICUT, MAINE, MASSACHUSETTS, NEW HAMPSHIRE, RHODE ISLAND, VERMONT

Office for Civil Rights, *Boston Office*
U.S. Department of Education
33 Arch Street, Suite 900
Boston, MA 02110-1491
Telephone: (617) 289-0111; Fax: (617) 289-0150
Email: OCR.Boston@ed.gov

NEW JERSEY, NEW YORK, PUERTO RICO, VIRGIN ISLANDS

Office for Civil Rights, *New York Office*
U.S. Department of Education
32 Old Slip, 26th Floor
New York, NY 10005-2500
Telephone: (646) 428-3900; Fax: (646) 428-3843
Email: OCR.NewYork@ed.gov

DELAWARE, MARYLAND, KENTUCKY, PENNSYLVANIA, WEST VIRGINIA

Office for Civil Rights, *Philadelphia Office*
U.S. Department of Education
The Wanamaker Building
100 Penn Square East, Suite 515
Philadelphia, PA 19107-3323
Telephone: (215) 656-8541; Fax: (215) 656-8605
Email: OCR.Philadelphia@ed.gov

SOUTHERN DIVISION

ALABAMA, FLORIDA, GEORGIA, TENNESSEE

Office for Civil Rights, *Atlanta Office*
U.S. Department of Education
61 Forsyth Street S.W., Suite 19T70
Atlanta, GA 30303-3104
Telephone: (404) 562-6350; Fax: (404) 562-6455
Email: OCR.Atlanta@ed.gov

ARKANSAS, LOUISIANA, MISSISSIPPI, TEXAS

Office for Civil Rights, *Dallas Office*
U.S. Department of Education
1999 Bryan Street, Suite 1620
Dallas, TX 75201-6810
Telephone: (214) 661-9600; Fax: (214) 661-9587
Email: OCR.Dallas@ed.gov

NORTH CAROLINA, SOUTH CAROLINA, VIRGINIA, WASHINGTON, D.C.

Office for Civil Rights, *District of Columbia Office*
U.S. Department of Education
P.O. Box 14620
Washington, DC 20044-4620
Telephone: (202) 786-0500; Fax: (202) 208-7797
Email: OCR.DC@ed.gov

MIDWESTERN DIVISION

ILLINOIS, INDIANA, IOWA, MINNESOTA, NORTH DAKOTA, WISCONSIN

Office for Civil Rights, *Chicago Office*
U.S. Department of Education
111 North Canal Street, Suite 1053
Chicago, IL 60606-7204
Telephone: (312) 886-8434; Fax: (312) 353-4888
Email: OCR.Chicago@ed.gov

MICHIGAN, OHIO

Office for Civil Rights, *Cleveland Office*
U.S. Department of Education
600 Superior Avenue East, Suite 750
Cleveland, OH 44114-2611
Telephone: (216) 522-4970; Fax: (216) 522-2573
Email: OCR.Cleveland@ed.gov

KANSAS, MISSOURI, NEBRASKA, OKLAHOMA, SOUTH DAKOTA

Office for Civil Rights, *Kansas City Office*
U.S. Department of Education
8930 Ward Parkway, Suite 2037
Kansas City, MO 64114-3302
Telephone: (816) 268-0550; Fax: (816) 823-1404
Email: OCR.KansasCity@ed.gov

WESTERN DIVISION

ARIZONA, COLORADO, NEW MEXICO, UTAH, WYOMING

Office for Civil Rights, *Denver Office*
U.S. Department of Education
Cesar E. Chavez Memorial Building, Suite 310
1244 Speer Boulevard
Denver, CO 80204-3582
Telephone: (303) 844-5695; Fax: (303) 844-4303
Email: OCR.Denver@ed.gov

CALIFORNIA

Office for Civil Rights, *San Francisco Office*
U.S. Department of Education
50 Beale Street, Suite 7200
San Francisco, CA 94105
Telephone: (415) 486-5555; Fax: (415) 486-5570
Email: OCR.SanFrancisco@ed.gov

ALASKA, AMERICAN SAMOA, GUAM, HAWAII, IDAHO, MONTANA, NEVADA, OREGON, WASHINGTON AND NORTHERN MARIANA ISLANDS

Office for Civil Rights, *Seattle Office*
U.S. Department of Education
915 Second Avenue, Room 3310
Seattle, WA 98174-1099
Telephone: (206) 220-7900; Fax: (206) 220-7887
Email: OCR.Seattle@ed.gov

**APPENDIX B: FY 2005 COMPLAINT RECEIPTS
BY OCR ENFORCEMENT OFFICES**

FY 2005 Complaint Receipts by OCR Enforcement Offices

	Race/ National Origin	Sex	Disability	Age	Multiple	Other	Total
Boston	55	18	227	2	56	24	382
New York	74	22	264	6	75	41	482
Philadelphia	58	21	222	5	60	32	398
District of Columbia	82	17	230	5	52	39	425
Atlanta	158	34	303	12	68	87	662
Dallas	116	36	293	5	72	58	580
Chicago	94	25	256	11	75	49	510
Cleveland	44	33	172	5	30	26	310
Kansas City	74	28	160	9	39	18	328
Denver	74	15	206	4	35	49	383
San Francisco	101	38	361	9	90	66	665
Seattle	82	32	199	9	54	32	408
National	1,012	319	2,893	82	706	521	5,533

**APPENDIX C: SAMPLE OF OCR TECHNICAL
ASSISTANCE PUBLICATIONS AVAILABLE AT
WWW.ED.GOV/OCR**

Listed below is a sample of publications available on OCR’s Web site, including those most frequently requested by mail or downloaded from OCR’s Web site.

- *How to File a Discrimination Complaint with OCR* (available in multiple languages), September, 2005
- *Ensuring Access to High-Quality Education* (available in multiple languages), September, 2004
- Dear Colleague Letter dated March 17, 2005: “Additional Clarification of Intercollegiate Athletics Policy: Three Part Test—Part Three, March 17, 2005”
- Dear Colleague Letter to Chief State School Officers dated April 14, 2005, “Helping the Student with Diabetes Succeed: A Guide for School Personnel”
- *Students with Disabilities Preparing for Postsecondary Education: Know Your Rights and Responsibilities*, revised June 2006
- *Free Appropriate Public Education for Students with Disabilities*, 1999
- *Auxiliary Aids and Services for Postsecondary Students with Disabilities: Higher Education’s Obligations Under Section 504 and Title II of the ADA*, 1998
- *Race-Neutral Alternatives in Postsecondary Education: Innovative Approaches to Diversity*, 2003
- *Achieving Diversity: Race-Neutral Alternatives in American Education*, 2004
- *Programs for English Language Learners: Resource Materials for Planning and Self-Assessment*, 1999

